UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/821,563
Filing Date: March 29, 2001
Appellant(s): ROSALES, DEAN

Timothy N. Trop
For Appellant

EXAMINER'S ANSWER

This is in response to the supplemental appeal brief filed June 4th 2007 appealing from

the Office action mailed August 8th 2004. The supplemental appeal brief was filed to

correct issues of form. The substance of the Examiner's answer has not changed.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence relied upon in the rejection of claims

under appeal.

6,535,632	PARK et al.
5,027,423	KAWATA et al.
5,351,312	SATO et al.

(9) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims:

1.   Claims 1, 9, 11 and 19 have been rejected under 35 U.S.C. 112 first

paragraph, as based on a disclosure that is not enabling. This rejection is provided

directly below.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claims 1, 9, 11, and 19 are rejected under 35 U.S.C. 112, first paragraph,

as based on a disclosure, which is not enabling. The method of "simultaneously

determining" filters is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). It is unclear from the disclosure of the specification as to how different filters are determined both simultaneously as stated in claims 1, 9, 11, and 19 and progressively as stated in claims 4, 10, 14, and 20.

DEFINITIONS

Simultaneous is defined by Webster's Collegiate dictionary tenth edition as follows:

"Simultaneous – existing or occurring at the same time : exactly coincident."

Determining is defined by Webster's Collegiate dictionary tenth edition as follows:

"Determining – 1A. to fix conclusively or authoritatively. B. to decide judicial sentence. C. to decide by choice of alternatives or possibilities ..."

Claims 1 and 11 recite: "simultaneously determining as least two filters of different sizes from said data."

This language is therefore interpreted as making a determination or fixing conclusively or authoritatively or deciding by choice of alternatives at least two filters of different size occurring at the same time such that the determining of each of the two filters is exactly coincident in time, meaning the two determined filters are calculated and made available at exactly the same moment in time. From the language of the

claim, and from the conventionally understood definitions this is the interpreted meaning.

SPECIFICATION

The recited claims are not supported by the specification. The specification repeatedly discloses an operation in direct opposition to the recited claims.

On page 4, lines 23-25 of the specification it is disclosed: "A plurality of symmetrical filters may be calculated so that kernels of different sizes are available as needed." However, nowhere in the specification is it disclosed as to how the invention arrives with two different filters of different sizes determined simultaneously.

On page 7 of the specification it is disclosed:

"For example, in one embodiment, the kernels are produced one after the other from smaller to larger sizes."

The filters or kernels are clearly not determined simultaneously. They are in fact disclosed as produced one after the other. This is the very opposite of simultaneous as defined above.

On page 9, lines 15-21 of the specification, operation is disclosed as follows:

"In one embodiment, the filters may be calculated in order from the smaller to larger kernel size. Thus in the illustrated embodiment, the 6x6 pre-added data storage 26, is utilized to first calculate the 3x3 matrix using row 5, columns 5 and 6 and row 6, columns 5 and 6 and then progressing as illustrated in Figure 6 through the 5x5, 7x7, 9x9 and 11x11 matrices."

These filters are obviously determined in sequence as each filter is determined using information from the previous calculation or determination. Therefore there is no simultaneous determination, as each must be made before the next can be made. They can not occur at the same time.

Furthermore on Page 9, lines 22-28 of the specification, operation is disclosed as follows:

"Due to symmetry, some intermediate values calculated for each of the filter sizes may be reused in calculating a subsequent filter. Reuse may reduce the number of calculations needed to perform larger filter calculations, reducing the number of clocks to perform the overall filter calculation. The state machine 11 implements the re-use of intermediate values."

This further supports the discussion above. Values calculated for the smaller filters may be reused along with the calculations of further values in a bigger filter. However filters of two different sizes are not simultaneously determined. Citing the definitions above, two filters are not fixed conclusively at the same moment in time.

Furthermore on page 11, lines 3-9 of the specification, operation is disclosed as follows:

"To calculate the 5x5 filter, the data elements contained within the box labeled 5x5 in the storage 26 are used. Starting at the lower right hand corner of the data storage 26 and moving up, the data value on the diagonals 11 and 10 are already sitting in their respective accumulators ready for multiplication due to the prior calculation of the 3x3 filter."

The calculations of these two different filters do not occur at the same time and are not simultaneous. The 3x3 filter determination must occur at some time prior to the determination of the 5x5 filter determination.

Furthermore on page 11, lines 26-28 of the specification, operation is disclosed as.follows:

"The coefficients used fro the 5x5 matrix are not necessarily the same as those used for the 3x3 matrix."

If the coefficients used in the 5x5 matrix are not equal to the coefficients used for the 3x3 matrix, this indicates that the calculated values for the 3x3 filter are not used for subsequent calculation of the 5x5 filter. Therefore the corresponding parts and overlap between the two filters are not even necessarily equal. Therefore the calculation for these parts of the filters, if indeed unequal cannot be determined simultaneously as claimed.

Furthermore on page 14, lines 6-11 of the specification, operation is disclosed as follows:

"convolution equation is executed for a first, smaller filter size as indicated in block 58. Then, the convolution equation is executed for a larger, second filter size (block 60). Calculations that were done for the first filter size may be maintained and reused during the calculation of the second filter."

Reusing calculations is not the same as calculating simultaneously.

Furthermore on page 14, lines 18-20 of the specification, operation is disclosed as follows:

"In addition, any number of filters may be progressively calculated."

Progressive calculation is the opposite of simultaneous.

In view of the specification and the above cited passages, it should be

apparent that the claims as recited are not supported by the specification. Indeed

in the above cited passages the specification teaches away from simultaneous

determining, and repeatedly teaches progressive or one after the other

determination of different sized filters. There is no enabling disclosure for the

simultaneous calculation of multiple filters of different sizes.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office

action:

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1, 4, 8-11, 14, and 18-20 are rejected under 35 U.S.C. 102(b) as

being anticipated by U.S. Patent 6,535,632 to Park.

With regard to claim 1, Park discloses the method comprising: receiving image

data; and simultaneously determining at least two filters of different sizes from said data

(Fig. 6, elements K1-K4). Here Park illustrates four different filter kernel sizes for

performing filtering in an image.

With regard to claim 4, Park discloses the method of claim 1 including

progressively calculating filters from smaller to larger sizes (Fig.6, elements K1-K4).

With regard to claim 8, park discloses the method of claim 1 including calculating

at least two filters for a first pixel among said image data (Fig. 6) and then calculating a

filter for an adjacent pixel. Park discloses a plurality of different kernel filters to be used

depending on the characteristics of the pixel and that area of the image, then a new

filter kernel is selected for each pixel (see abstract).

With regard to claim 9, Park discloses the method of claim 1 including

simultaneously generating at least three filters of different sizes (Fig. 6).

With regard to claim 10, Park discloses the method of claim 1 including

successively calculating filters of progressively larger size (Fig. 6).

With regard to claim 11, Park discloses software and hardware to be used in an

image signal processor. It is clear that Park's invention is to be implemented in an

article comprising a medium storing instructions that enable a processor-based system

to: receive image data; and simultaneously determine at least two filters of different

sizes from said data.

The discussions for claims 1, 4, and 8-10 apply to claims 11, 14, and 18-20

respectively.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 2, 3, 5, 12, 13, and 15 are rejected under 35 U.S.C. 103(a) as

being unpatentable over the combination of U.S. Patent 6,536,632 to Park et al. and

U.S. Patent 5,027,423 to Kawata et al.

With regard to claims 2 and 3, Park discloses the method of claim 1 wherein

receiving data includes receiving a matrix of data having rows and columns (Fig. 8A).

Park does not disclose reducing the number of rows and reducing the number of

columns by adding rows and columns together. Kawata discloses a circuit device that

adds symmetrical rows in an image window in order to reduce the computation

necessary for computing a filter (see abstract). Kawata teaches that it is desirable to

add rows and columns together in order to reduce data to be processed by a multiplying

section of the circuit thus reducing the number of multipliers and the cost of

manufacturing such a circuit (column 10, lines 1-10). Therefore it would have been

obvious to one of ordinary skill in the art to add rows and columns of pixels together in order to reduce computation and cost as taught by Kawata in calculating filters in the method of Park.

With regard to claim 5, Park discloses the method of claim 4 including receiving image data values. Park does not disclose adding the values together, and multiplying the values by convolution coefficients. Kawata discloses adding values together and multiplying them by corresponding coefficients (see abstract).

With regard to claims 12, 13, and 15 the discussion of claims 2, 3, and 5 applies.

8.   Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patent 6,536,632 to Park et al. and U.S. Patent 5,027,423 to Kawata et al. and further in view of U.S. Patent 5,351,312 to Sato.

With regard to claim 6, Park discloses calculating filters of different sizes (Fig. 6). Kawata discloses performing additions and multiplications. Park and Kawata do not disclose reusing the results of said additions and multiplications calculated for one filter size, when calculating a filter of a larger size as claimed in claim 5. Sato discloses reusing the results of the additions and multiplications (column 7, lines 30-35). Here Sato discloses calculating a filtered pixel value and image signal and then shifting the filter to the next pixel of interest. The result of the adding and multiplication is therefore

used in the subsequent filter calculation. Park discloses calculating filters of different sizes and Kawata discloses the adder and multiplier method. It would be advantageous to change the size of the filter while retaining the calculations of multiplying and adding from the previous filter calculation to maintain continuity between filtering operations. Therefore it would have been obvious to one of ordinary skill in the art to retain the calculations of one filter when calculating a new filter of another size as taught by Sato to maintain continuity and decrease processing time in the method of filter calculation of Park and Kawata.

With regard to claim 16, the discussion of claim 6 applies.

9.   Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patent 6,535,632 to Park et al. and U.S. Patent 5,351,312 to Sato et al.

With regard to claim 7, Park discloses the method of claim 1 including receiving data values in rows and columns. Park does not disclose adding together data values along diagonals. Sato discloses adding pixel values along diagonals (column 7, lines 25-30). Adding pixels along a diagonal would be helpful in determining the relationship between the diagonally adjacent pixels. Therefore it would have been obvious to one of ordinary skill I the art to add image in a diagonal direction to determine the relationship among the pixels.

With regard to claim 17, the discussion of claim 7 applies.

10.   Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over

the combination of U.S. Patent 5,027,423 to Kawata et al. and U.S. Patent 6,536,632 to

Park et al.

With regard to claim 21, Kawata discloses the system comprising: a first set of

adders to add together rows and to add together columns of image data; and a second

set of adders and a first set of multipliers to calculate filters (see Abstract and Fig. 9,

elements 11, 12, and 13). Kawata does not disclose calculating at least two different

filter sizes from said image data. Park discloses calculating filters of different sizes and

teaches that it is advantageous to compute filters for various sizes depending on the

nature of the image for which a filter is being calculated (see Abstract). Kawata only

discloses the filtering apparatus for 5x5 sub-blocks. Therefore it would have been

obvious to one of ordinary skill in the art at the time of invention to use multiple filters of

different sizes as taught by Park in the apparatus of Kawata in order to determine an

appropriate filter for the particular image segment being filtered.

With regard to claim 22, Park discloses progressively calculating filters from

smaller to larger sizes (Fig. 6, elements K1-K4).

11.   Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patent 5,027,423 to Kawata et al. and U.S. Patent 6,536,632 to Park et al. and further in view of U.S. Patent 5,351,312 to Sato.

With regard to claim 23, Kawata and Park disclose the system of claim 22. They do not disclose utilizing the results from said second set of adders and first set of multipliers for one filter size, when calculating a filter of a larger of a larger size. Sato discloses reusing the results of the additions and multiplications (column 7, lines 30-35). Here Sato discloses calculating a filtered pixel value and image signal and then shifting the filter to the next pixel of interest. The result of the adding and multiplication is therefore used in the subsequent filter calculation. Park discloses calculating filters of different sizes and Kawata discloses the adder and multiplier method. It would be advantageous to change the size of the filter while retaining the calculations of multiplying and adding from the previous filter calculation to maintain continuity between filtering operations. Therefore it would have been obvious to one of ordinary skill in the art to retain the calculations of one filter when calculating a new filter of another size as taught by Sato to maintain continuity and decrease processing time in the method of filter calculation of Park and Kawata.

With regard to claim 24, Kawata discloses the system including a state machine that controls the operation of said first and second adders and said first set of multipliers

(column 5, lines 5-15). Here Kawata discloses shift registers that increment calculations and coefficient outputs. Here a state machine is inherent in this kind of digital circuit.

With regard to claim 25, Kawata and Park disclose a system as claimed. Kawata discloses a second set of adders. Kawata does not disclose using the second set of adders to add image data along diagonals. Sato discloses adding pixel values along diagonals (column 7, lines 25-30). Adding pixels along a diagonal would be helpful in determining the relationship between the diagonally adjacent pixels. Therefore it would have been obvious to one of ordinary skill I the art to add image in a diagonal direction to determine the relationship among the pixels.

(10) Response to Argument

A.   Is the Disclosure Enabling of Claims 1, 9, 11 and 19?

CLAIMS ARE NOT ENABLED IN VIEW OF THE SPECIFICATION

Applicant disagrees with Examiner's rejection of Claims 1, 9, 11 and 19 under 35 U.S.C. 112, first paragraph as not being enabled by the specification. Citations from the specification will now be given that contradict the recitation of the claims. The claims recite *"simultaneously determining at least two filters of different sizes from said data."* However the specification repeatedly supports progressively determining of different filters, which is the opposite of simultaneously. Therefore the language of the

claims and the enablement of the specification are in direct contradiction. The specification does not enable the simultaneous determination of multiple filters of different sizes.

On page 4, lines 23-25 of the specification it is disclosed: "*A plurality of symmetrical filters may be calculated so that kernels of different sizes are available as needed.*" However, nowhere in the specification is it disclosed as to how the invention arrives with two different filters of different sizes determined simultaneously.

On page 7 of the specification it is disclosed:

"For example, in one embodiment, the kernels are produced one after the other from smaller to larger sizes."

The filters or kernels are clearly not determined simultaneously. They are in fact disclosed as produced one after the other. This is the very opposite of simultaneous as defined above.

On page 9, lines 15-21 of the specification, operation is disclosed as follows:

"In one embodiment, the filters may be calculated in order from the smaller to larger kernel size. Thus in the illustrated embodiment, the 6x6 pre-added data storage 26, is utilized to first calculate the 3x3 matrix using row 5, columns 5 and 6 and row 6, columns 5 and 6 and then progressing as illustrated in Figure 6 through the 5x5, 7x7, 9x9 and 11x11 matrices."

These filters are obviously determined in sequence as each filter is determined using information from the previous calculation or determination. Therefore there is no

simultaneous determination, as each must be made before the next can be made. They

cannot occur at the same time. The fact that the language used in describing the

operations is "first" and "then" makes simultaneous impossible.

Furthermore on Page 9, lines 22-28 of the specification, operation is disclosed as

follows:

"Due to symmetry, some intermediate values calculated for each of the

filter sizes may be reused in calculating a subsequent filter. Reuse may reduce

the number of calculations needed to perform larger filter calculations, reducing

the number of clocks to perform the overall filter calculation. The state machine

11 implements the re-use of intermediate values."

This further supports the discussion above. Values calculated for the smaller

filters may be reused along with the calculations of further values in a bigger filter.

However filters of two different sizes are not simultaneously determined. Citing the

definitions above, two filters are not fixed conclusively at the same moment in time.

Furthermore on page 11, lines 3-9 of the specification, operation is disclosed as

follows:

"To calculate the 5x5 filter, the data elements contained within the box labeled

5x5 in the storage 26 are used. Starting at the lower right hand corner of the data

storage 26 and moving up, the data value on the diagonals 11 and 10 are already sitting

in their respective accumulators ready for multiplication due to the prior calculation of

the 3x3 filter."

The calculations of these two different filters do not occur at the same time and are not simultaneous. The 3x3 filter determination must occur at some time prior to the determination of the 5x5 filter determination and therefore the determinations are not made simultaneously.

Furthermore on page 11, lines 26-28 of the specification, operation is disclosed as follows:

"The coefficients used for the 5x5 matrix are not necessarily the same as those used for the 3x3 matrix."

If the coefficients used in the 5x5 matrix are not equal to the coefficients used for the 3x3 matrix, this indicates that the calculated values for the 3x3 filter are not used for subsequent calculation of the 5x5 filter. Therefore the corresponding parts and overlap between the two filters are not even necessarily equal. Therefore the calculation for these parts of the filters, if indeed unequal cannot be determined simultaneously as claimed.

Furthermore on page 14, lines 6-11 of the specification, operation is disclosed as follows:

"convolution equation is executed for a first, smaller filter size as indicated in block 58. Then, the convolution equation is executed for a larger, second filter size (block 60). Calculations that were done for the first filter size may be maintained and reused during the calculation of the second filter."

Reusing calculations is not the same as calculating simultaneously and is certainly not equivalent to making a simultaneous determination.

Furthermore on page 14, lines 18-20 of the specification, operation is

disclosed as follows:

"In addition, any number of filters may be progressively calculated."

Progressive calculation is the opposite of simultaneous.

In view of the specification and the above cited passages, it should be

apparent that the claims as recited are not supported by the specification. Indeed

in the above cited passages the specification teaches away from simultaneous

determining, and repeatedly teaches progressive or one after the other

determination of different sized filters. Therefore the specification is inconsistent

in its language and repeatedly contradicts the language of the claims. There is

no enabling disclosure for the simultaneous calculation of multiple filters of

different sizes.

RESPONSE TO ARGUMENTS REGARDING INTERPRETATION OF THE CLAIM LANGUAGE

Applicant disagrees with the Examiner's interpretation of simultaneously.

Explanation of Examiner's interpretation of the phrase "simultaneously determining" is

given in view of definitions from Webster's dictionary.

Simultaneous is defined by Webster's Collegiate dictionary tenth edition as

follows:

"Simultaneous – existing or occurring at the same time: exactly coincident."

Determining is defined by Webster's Collegiate dictionary tenth edition as

follows:

"Determining – 1A. to fix conclusively or authoritatively. B. to decide judicial

sentence. C. to decide by choice of alternatives or possibilities ..."

Claims 1 and 11 recite: "simultaneously determining as least two filters of

different sizes from said data."

This language is therefore interpreted as making a determination or fixing

conclusively or authoritatively or deciding by choice of alternatives at least two filters of

different size occurring at the same time such that the determining of each of the two

filters is exactly coincident in time, meaning the two determined filters are calculated

and made available at exactly the same moment in time. From the language of the

claim, and from the conventionally understood definitions this is the interpreted

meaning. Portions of the specification illustrating the lack of support for the claimed

language are listed above in the Grounds for Rejection section.

Applicant argues (on page 11 of the Appeal Brief) *"Examiner insists that the*

claim requires that the 5x5 filter calculated entirely simultaneously with the 3x3

filter. Such an interpretation is wrong as a matter of law because it reads the

word "entirely" into claim 1 before simultaneously."

In other words, the Examiner agrees that at least a portion of the 3x3 and

5x5 filters are calculated at the same time. But he insists that to meet the claim

limitations, that they must all be calculated at the same time. However, this

position is completely inconsistent with the claim language that simply says

"simultaneously" determining at least two filters. Those filters are

simultaneously calculated in part; just all of the filter values are not

simultaneously calculated.

Examiner never used the word entirely in the response referred to by applicant.

However, from the definitions of "determining" and "simultaneous" given above it should

be clear that when something is determined, such as a filter, it is entirely calculated or at

least *fixed conclusively or authoritatively.* It is Applicant's claim language that suggests

that the two filters of different sizes must be determined entirely simultaneously, not

Examiner's interpretation. Examiner is not reading the word "entirely" into the claim

before "simultaneously." Examiner is also not reading the words "in part" or "partially" or

"kind of" or "sort of" or "almost" or "nearly" into the claim before "simultaneously." This

appears to be what Applicant would like the Examiner to do. Applicant wants Examiner

to read "in part" into the claim language before "simultaneously" instead of reading

"entirely" into the claim language before "simultaneously." Such interpretation would be

the only alternative to "entirely." If the determining is not "entirely" simultaneous, then it

can only be "partially" or "nearly" or" almost" simultaneous. However "simultaneous" is

not considered to be by degrees. Something either occurs simultaneously or it does

not, and the present specification repeatedly states explicitly that the determinations of

multiple filters do not occur simultaneously. The determinations of multiple filters occur

progressively, one after the other, which is by definition the very opposite of

simultaneously. The Examiner will not interpret the claim in such a way to read the language "in part" before "simultaneously" unless there is language in the claims that somehow suggests the "determining" is partially simultaneous. However, there is no such language or suggestion in the claim. Applicant has claimed "simultaneously determining" and has never amended the claims thus far in the prosecution of the application. If something is only partially simultaneous then it is not truly simultaneous. Making a determination is an absolute and final calculation. Therefore the determination of two different filters of different sizes is not simultaneous as disclosed in the present specification. Multiple cited passages from the specification are given in the rejection above as evidence that the filters are not "determined simultaneously."

Applicant has not amended the independent claims thus far in the prosecution of the application.

The text of claims 1 reads as follows:

1. The method comprising:

    receiving image data; and

    simultaneously determining at least two filters of different sizes from said data.

The claim is only as descriptive as the text that comprises it. There is no explanation in the context of the claim as to how the filters are simultaneously determined. If Applicant wishes to claim partial determining or partially simultaneous determining of two filters, there must be language in the claim to suggest and explain such meaning.

B.   Are claims 1, 4, 8-11 and 18-20 Anticipated by Park?

Again Applicant's remarks focus on the meaning of the word simultaneous. It

has been shown repeatedly and in detail why the simultaneous aspect of the claims is

not supported by the specification. Independent claims 1 and 11 remain rejected under

35 U.S.C. 1st paragraph as not being enabled by the specification. Therefore the

features of the claim that are not supported by the specification, such as

"simultaneously determining" are given little weight. The reference of Park calculates at

least two filters of different sizes from said data (Fig. 6, elements K1-K4, column 7, lines

52-67 and column 8, lines 1-55). Park discloses kernels of differing sizes that are used

to adaptively filter image data according to pixel value calculations. This is broadly

interpreted as **"receiving image data; and simultaneously determining at least two**

filters of different sizes from said data." The multiple filter kernels are available

simultaneously and they are determined from the pixel data from the image adaptively.

The reference of Park is interpreted to be just as simultaneous as the Applicant's have

claimed the present invention. Since Applicant now argues in the Appeal brief that what

the present invention means to claim is a degree of simultaneous less than entirely

simultaneous, the reference of Park is considered to be simultaneous as reasonably

broadly interpreted. It must surely be acknowledged that Park performs simultaneous in

part determination of multiple filters of different sizes. In view of the rejection under 35

U.S.C. 1st paragraph as not being enabled by the specification, the reference of Park is

interpreted reasonably broadly to read on the claims.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

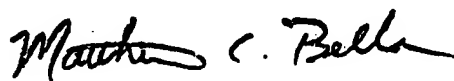Related Appeals and Interferences section of this examiner's answer.

Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Wes Tucker

Conferees:

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for

JINNGE WU